

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

LESLIE ALLEN CROSS and
EVA CROSS,¹

Plaintiffs,

v.

JANETTE HIMES,

Defendant.

APR - 4 2008

William B. Guthrie
Clerk, U.S. District Court

By _____ Deputy Clerk

No. CIV 08-122-RAW-SPS

OPINION AND ORDER

Plaintiff Leslie Allen Cross, an inmate in the custody of the Oklahoma Department of Corrections who is incarcerated at Cimarron Correctional Facility in Cushing, Oklahoma, has filed this action under the authority of 42 U.S.C. § 1983. He is asking the court to award custody of his minor child to Plaintiff Eva Cross, his mother, and to grant him visitation rights while he is incarcerated. He apparently is attempting to appeal the decision of the Oklahoma Court of Civil Appeals in *In re Adoption of A.J.C.*, No. AD-104226 (Okla. Ct. App. Jan. 9, 2008).

The court has carefully reviewed the record and construes Plaintiff Leslie Cross's pleadings liberally. *Haines v. Kerner*, 404 U.S. 519 (1972). It is well-established, however, that federal courts lack jurisdiction over "[t]he whole subject of the domestic relations of . . . parent and child." *Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) (quoting *In re Burrus*, 136 U.S. 586, 593-94 (1890)); *see also* 28 U.S.C. § 1331 (giving district courts original jurisdiction over "civil actions arising under the Constitution, laws, or treaties of the

¹ The complaint incorrectly lists Leslie Cross and Eva Cross as defendants.

United States”); *c.f. Hunt v. Lamb*, 427 F.3d 725, 727 (10th Cir. 2005) (federal district court lacked subject matter jurisdiction over child custody dispute that had been removed from state court).

ACCORDINGLY, this action is, in all respects, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED this 4th day of April 2008.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE